

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ILYA FELIKSOVICH IOSILEVICH,  
Plaintiff,

v.  
WALMART, INC., et al.,  
Defendants.

-----x  
**ORDER**

22 CV 4757 (VB)

Plaintiff, proceeding pro se and in forma pauperis, brings claims under 42 U.S.C. § 1983 and state law against defendants Walmart, Inc, Joseph Negron, Kevin P. Bruen, John T. Reicherter, and Westchester County, as well as John and Jane Doe troopers who assisted in his arrest and two Jane Doe Walmart employees. (Doc. #2.)

On October 12, 2022, defendant Westchester County filed a motion to dismiss the complaint. (Doc. #12).

On November 18, 2022, after the Office of the New York Attorney General (“NYAG”) and counsel for Walmart and the Office of the New York Attorney General (“NYAG”) identified the Doe defendants, the Court ordered plaintiff to file, by December 19, 2022, an amended complaint naming these defendants. (Doc. #24). The Court denied without prejudice Westchester County’s motion to dismiss, pending the filing of the amended complaint.

On December 19, 2022—the day his amended complaint was due—plaintiff sought an extension of time to file the amended complaint, to “March 2023.” (Doc. #25). The Court granted an extension to March 1, 2023, but advised plaintiff that “[n]o further extensions will be granted.” (Doc. #26).

To date, plaintiff has not filed an amended complaint.

Accordingly, it is HEREBY ORDERED:

1. The original complaint (Doc. #2) is deemed the operative complaint in this case.
2. Plaintiff's claims against the John and Jane Doe defendants identified by the NYAG and the Jane Doe defendants identified by Walmart's counsel are DISMISSED.
3. By March 29, 2023, all named defendants shall answer, move, or otherwise respond to the complaint.
4. Plaintiff's time to oppose any motions to dismiss shall be governed by the Federal Rules of Civil Procedure and the Local Civil Rules, unless otherwise ordered by the Court.
5. The Clerk is instructed to terminate Jane Doe, Jane Doe aka Biatriz, and John and Jane Doe 1–2 as defendants in this action.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Dated: March 8, 2023  
White Plains, NY

SO ORDERED:



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Vincent L. Briccetti  
United States District Judge